

FILED

FEB 01 2012

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

By _____ DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

2:11-CR-133-PMP (CWH)

EDWIN DONALD MILLER,)

Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on February 1, 2012, defendant EDWIN DONALD MILLER pled guilty to Count Two of a Three-Count Criminal Indictment charging him in Count Two with Receipt of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(1). Docket #1.

This Court finds defendant EDWIN DONALD MILLER agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Criminal Indictment, the Bill of Particulars and in the Plea Memorandum. #1, #19.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between the property set forth in the Forfeiture Allegation of the Criminal Information and the Bill of Particulars and agreed to in the Plea Memorandum and the offense to which defendant EDWIN DONALD MILLER pled guilty. #1, #19.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section s 2253(a)(1) and 2253(a)(3):

...

- a) any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received; computer images, including movie and still image files, depicting a minor engaging in sexually explicit conduct and the diskettes and hard drives on which they are maintained;
- b) E-Machine Computer Tower, serial number CBM2930004220;
- c) Michada Computer Tower, serial number 11990595301;
- d) OEM Computer Tower, serial number X0854518;
- e) Hard Drive, Serial Number 3JVA31SS;
- f) Hard Drive, Serial Number A6OQRRDC;
- g) Hard Drive, Serial Number A20QSK5C;
- h) Hard Drive, Serial Number YE0Q3310;
- i) Hard Drive, Serial Number 000YTLS8367;
- j) Hard Drive, Serial Number YMT2JO52;
- k) Hard Drive, Serial Number BF25A011;
- l) A-Data Flash Drive, Serial Number FG2870079;
- m) 155 Compact Discs; and
- n) 10 Compact Discs ("property").

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of EDWIN DONALD MILLER in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
2 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
3 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
4 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
5 the name and contact information for the government attorney to be served with the petition,
6 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
8 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
10 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
11 following address at the time of filing:

12 Michael A. Humphreys
Assistant United States Attorney
13 Daniel D. Hollingsworth
Assistant United States Attorney
14 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
15 Las Vegas, Nevada 89101.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
17 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
18 following publication of notice of seizure and intent to administratively forfeit the above-described
19 property.

20 DATED this 1st day of Feb, 2012.

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23 UNITED STATES DISTRICT JUDGE
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